

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN NOLAN

Plaintiff,

vs.

**READING BLUE MOUNTAIN &
NORTHERN RAILROAD CO.**

Defendant.

CIVIL ACTION

NO. 02-2805

ORDER

AND NOW, this _____ day of March, 2005, upon consideration of Defendant's Motion for Summary Judgment (Doc. 27), Plaintiff's response thereto (Doc. 31), and oral argument held before this Court, **IT IS HEREBY ORDERED AND DECREED** that Defendant's Motion is **DENIED**.

IT IS FURTHER ORDERED THAT the above-captioned case shall proceed to trial on June 20, 2005.¹

BY THE COURT:

Hon. Petrese B. Tucker, U.S.D.J.

¹ Previously, the case was given a trial pool date of May 9, 2005.